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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,614	10/06/2003	Takeshi Watanabe	9281-4690	3329

7590 05/19/2010  
Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER
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CHIEN, LUCY P

ART UNIT	PAPER NUMBER
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2871

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05/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,614	<b>Applicant(s)</b> WATANABE, TAKESHI	
	<b>Examiner</b> LUCY P. CHIEN	<b>Art Unit</b> 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/23/2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 8,13,14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,13,14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/6/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Supplemental Non Final***

This office action replaces the previous non final office action sent out on 5/5/2010.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/2010 has been entered.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1,13,14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-3 of copending Application No. 12751614. Although the conflicting claims are not identical, they are not patentably distinct from each other because

Claim 1 is obvious over Claim 1 of copending Application No. 12751614

Claim 13 is obvious over Claim 2 of copending Application No. 12751614

Claim 14 is obvious over Claim 3 of copending Application No. 12751614

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1,5,8,13,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka Akira (JP 2000-187197) in view of Ishihara et al (US 20010019379) in view of Goto et al (US 5999685)

Regarding Claim 1,

Tanaka Akira discloses (Drawing 1) a transparent coordinate input device comprising a first transparent base material (22) having a first transparent resistance film thereon (13 made of ITO which is transparent [0010]), and a second transparent base material (15) facing said first transparent base material (22) with a clearance there between and having a second transparent resistance film (12) disposed on a face thereof opposing the first transparent resistance film (13), wherein a first transparent base material (22) is disposed below the second transparent base material (15) and a plurality of ridge portions (zigzag as shown) are formed only on a surface of the first transparent base material (22) which faces the second transparent base material (15) wherein the ridge portions are adjacent to each other and are formed with a predetermined pitch and formed by continuously extending the ridge portions. Wherein a lower face of the second transparent base material (15) disposed on an operation side and a lower face of the second transparent resistance film (12) are smooth surfaces and

wherein the second base material and the second transparent resistance film are configured to flex towards the first transparent base material based on input received during operation (by pressing a finger or pen on the touch panel (10) from above)(see abstract).

Tanaka Akira does not disclose wherein the pitch of said ridge portions is which are overlapping ranges of 100 to 500  $\mu\text{m}$  inclusive. Nor the ridge portions have a polygonal shape having an obtuse angle in section are narrow in width, and are projected strips longitudinally extending in one direction.

Ishihara et al [0065] discloses the pitch of the ridge portion is 300  $\mu\text{m}$  which is in between 100  $\mu\text{m}$  and 500  $\mu\text{m}$ . It would have been obvious to one of ordinary skill in the art at the time the invention was made to pitch of the ridge portion is 300  $\mu\text{m}$  since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Goto et al also discloses (fig. 2b) wherein the polygonal shape of the ridge portions comprises one of a triangular shape wherein a vertical angle of the triangular shape in the section of the ridge portion is an obtuse angle to provide a reliable light guide that costs less to manufacture.(column 2, lines 5-15)

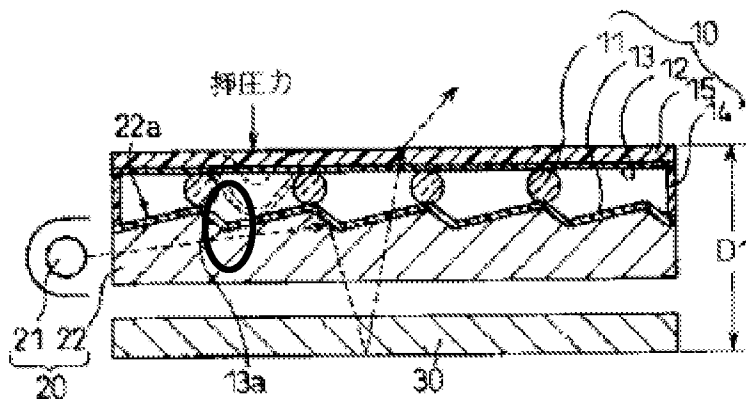
It would have been obvious to modify Tanaka Akira to include Ishihara et al's pitch of the ridge portions motivated by the desire to provide a light guide that uniformly distributes light into the LCD [0006] to further include Goto et al's polygonal shape of the ridge portions comprises one of a triangular shape wherein a vertical angle of the

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triangular shape in the section of the ridge portion is an obtuse angle motivated by the desire to provide a light guide that uniformly and isotropically diffuses light in a desired angular range (column 5, lines 35-45)

[Drawing 1]

図 1



Regarding Claim 5,

In addition to Tanaka Akira, Ishihara et al, and Goto et al as disclosed above, Tanaka Akira discloses a liquid crystal display panel (30)(abstract).

Regarding Claim 8,

In addition to Tanaka Akira, Ishihara et al, and Goto et al as disclosed above, Tanaka Akira discloses wherein said ridge portion (zigzag of element 13) is extended in a direction inclined at a constant angle with respect to each of two perpendicular sides for partitioning a pixel of said liquid crystal display panel.

Regarding Claim 13,14,

In addition to Tanaka Akira, Ishihara et al, and Goto et al as disclosed above, Tanaka Akira discloses (shown above) (Drawing 1) the first transparent resistance film (13) formed on the upper face between the ridge portion wherein an angle of a valley between the ridge portion (pointed part) adjacent to each other in section is an obtuse angle (angle between 90-180 degrees as shown circled above)

**Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka Akira (JP 2000-187197) and of Ishihara et al (US 20010019379) and of Goto et al (US 5999685) in view of Oh et al (US 20030098936)

Regarding Claim 4,

Tanaka Akira, Ishihara et al, and Goto et al disclose everything as disclosed above.

Tanaka Akira, Ishihara et al, and Goto et al do not disclose the height of the ridge portions are 0.1 to 10  $\mu\text{m}$ .

Oh et al discloses wherein the-heights of said ridge portions is less than or equal to 0.68  $\mu\text{m}$  which is an overlapping range of 0.1 to 10  $\mu\text{m}$  inclusive [0066] It would have been obvious to one of ordinary skill in the art at the time the invention was made to height of the ridge portion to be 0.1 to 10  $\mu\text{m}$  since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

It would have been obvious to one of ordinary skill in the art to modify Tanaka Akira, Ishihara et al, and Goto et al to include Oh et al's ridge height motivated by the



desire to provide uniform brightness and to prevent the light guiding plate from being closely adhered to the first prism sheet [0069-0070]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUCY P. CHIEN whose telephone number is (571)272-8579. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lucy P Chien  
Examiner  
Art Unit 2871

/Lucy P Chien/  
Examiner, Art Unit 2871